

Exhibit FF

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

YATRAM INDERGIT, on Behalf
of Himself and Others
Similarly Situated

Plaintiff Civil Action No.:
vs. 1:2008cv09361
RITE AID CORPORATION, RITE
AID OF NEW YORK, INC. and
FRANCIS OFFOR as Aider &
Abettor
Defendants

The deposition of KAY GOODLOE was held on Friday, July 22, 2011, commencing at 9:30 a.m., at the Offices of Gore Brothers Reporting & Videoconferencing, 20 South Charles Street, Suite 901, Baltimore, Maryland 21201, before Susan M. Wootton, Notary Public.

REPORTED BY: Susan Wootton, RPR, CLR

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 56

1 Q So I take it this downtown store involved
2 very little hiring on your part?

3 MR. ELLWANGER: Objection to form.

4 MS. BARBAREE: Is that correct?

5 THE WITNESS: Correct, the only people who
6 changed were assistant managers, and I had no control
7 over hiring assistant managers.

8 Q And are you sure that they were called
9 assistant managers, once it became Rite Aid?

10 A Or service assistants. To me, the names
11 are the same.

12 Q And it's your testimony that, even though
13 they were hourly, you were not involved in hiring them?

14 A Absolutely not.

15 Q Did you interview them before they came to
16 your store?

17 A No, most of them had worked at previous
18 stores and didn't work out there and were assigned to
19 me to deal with.

20 Q So, even though you had met the cashier,
21 Tavia, and interviewed her before she came to your
22 store from another store, it's your testimony that the
23 service assistants, you were not allowed to interview
24 before they started working at your store?

25 A Not allowed? I, you know, I mean I don't

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 57

1 know that not allowed is the correct word. I just,
2 they were assigned to my store.

3 You know, I probably could have gone over
4 to the store and interviewed them, yes, but, that
5 wouldn't have changed who came to my store.

6 Q While you were a store manager at the
7 downtown store, did you ever terminate any employee?

8 A No, all of our terminations had to go
9 through human resources or loss prevention for
10 termination.

11 I could not hire or fire anyone.

12 Q Was that true at Eckerd?

13 A I just, I didn't do a lot of firing. I
14 can't think of a time that I, you know, had to fire
15 someone.

16 Q And at Brooks, did you ever fire someone?

17 A Did I ever? Yes, I think I did. I had a
18 young man who was an assistant manager who was
19 falsifying -- no, that was probably under Brooks, was
20 the one that I did.

21 Q That's what I was asking about.

22 A And I contacted HR on that.

23 Q So you recommended termination to HR in
24 that instance?

25 A And they sent out loss prevention, because

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 58

1 it was a loss prevention issue.

2 Q And then did you sit down to terminate the
3 employee with someone from loss prevention?

4 A Yes.

5 Q And then, once it became a Rite Aid store,
6 the downtown store, did you ever recommend termination
7 of anyone?

8 A No.

9 Q And was anyone, in fact, terminated from
10 that store while you were the store manager there and
11 it was a Rite Aid store?

12 A Not that I recall.

13 Q Did you have a good working relationship
14 with Paul Johnson?

15 A Yes.

16 Q What did you think his strengths were as a
17 district manager?

18 A I think he was good at listening to our
19 needs and trying to resolve things that we needed for
20 the store.

21 Sometimes I didn't feel like he was fair.

22 Q Any other strengths that Paul had as a
23 district manager?

24 A No, I just, I co-existed with him.

25 Q What do you mean by that?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 78

1 Q So you said one of your strengths as a
2 store manager was providing excellent customer service.

3 Why did you make sure, as a store manager,
4 that your store was providing excellent customer
5 service?

6 A Making sure that the product was in stock
7 and that the store was clean and just in good shopping
8 condition for the, for the customers.

9 Q Why were you concerned about making sure
10 that you provided your customers with the best customer
11 service experience?

12 A That was my job, as it was for everybody in
13 the store.

14 Q Well, do you think that good customer
15 service had an impact on the store's profitability?

16 A Sure.

17 Q Did you think that keeping the store in
18 stock improved the store's profitability?

19 A Sure.

20 Q Do you think that keeping the store clean
21 improved the store's profitability?

22 A Sure.

23 Q And obviously it was important to keep it
24 in good shopping condition to drive sales?

25 A Correct.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 79

1 Q You also said one of your strengths as a
2 store manager was keeping up with the daily records?

3 A Right.

4 Q What paperwork did you have to do daily as
5 a store manager?

6 A I had to check out, making sure that all
7 the logs in the store, that were requirements by Rite
8 Aid, were completed, and that I went to our portal and
9 got all the messages off of it as what to do per
10 corporate. That's about it.

11 Q That's the only daily paperwork you recall
12 being involved in as a store manager?

13 A The check out, but that wasn't something
14 that I had to do solely, myself.

15 Q What do you mean by the check out?

16 A Checking out the money and you know
17 reporting sales and everything, but that could be done
18 by my assistant as well.

19 Q Did you prepare the schedule as the store
20 manager?

21 A Not entirely, no. It was done through
22 Kronos which generated a schedule for my associates
23 based on the hours that they, that were entered for
24 them to work, what hours they were available to work.

25 Q When did you use, when did you use Kronos

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 80

1 to assist you with scheduling?

2 A Every week.

3 Q When did you start using Kronos?

4 A To do the scheduling, when Rite Aid took
5 over.

6 Q You think that the software was called
7 Kronos?

8 A Well, no, not the software for Kronos, but
9 the scheduling part of it was something that I had
10 never used for Brooks or Eckerd.

11 Q Okay. So let's talk about at Brooks and
12 Eckerd, how did you prepare your schedule as a store
13 manager?

14 A I did it based on, you know, the hours that
15 I was given and then basically manually did it myself.

16 Q So at Brooks and Eckerd while you were a
17 store manager you were given a certain number of hours
18 a week that you could schedule employees?

19 A Right.

20 Q And that, that amount for payroll was given
21 to you in hours and not dollars?

22 A Correct.

23 Q Did you ever ask for an increase in the
24 number of hours you were given, while you were a store
25 manager at Brooks or Eckerd?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 81

1 A I really didn't need it. As you could see
2 I had more employees.

3 Q And my question was did you ever ask for an
4 increase in the hours, while you were a store manager
5 at Brooks or Eckerd?

6 A Probably from time to time I did. There
7 were different activities that were, that happened
8 downtown and I would ask for additional hours and
9 usually I got it.

10 Q And then there were times that you didn't?

11 A Right.

12 Q When you say there were activities
13 downtown, there might be something seasonal going on --

14 A Exactly.

15 Q Could I finish my question?

16 A Uh-huh.

17 Q There might be something seasonal going on
18 that would cause you to want to plan differently at
19 your store?

20 A Correct.

21 Q And that might be additional staffing or
22 additional merchandise?

23 A Correct.

24 Q What types of activities might be happening
25 downtown?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 105

1 A He was plugging those in at his, at his
2 level.

3 I didn't do any scheduling or anything of
4 her in, in my system.

5 It was just when I got my print-out of
6 payroll Beth was on there.

7 Q When Paul Johnson came in your store as the
8 district manager, let's say in 2009, I know you told me
9 that his pay was changed towards the end of your
10 employment?

11 A Right.

Q So let's focus on 2009, when he came in once every two to three weeks, how long was he there?

14 A Oh, he would be there from anywhere from 45
15 minutes to two hours.

16 Q What did he do while he was there?

17 A Basically checked all the reports, told me
18 what I needed to do for the next, basically, three
19 weeks until I saw him again, things to do in my store.

He would leave me a list of maybe, you know, it could be two to three pages of things to do.

Q So he would walk the store with you --

23 A Uh-huh.

24 Q -- and you all would talk about things that
25 needed to be done in the store?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 106

1 A He would talk about things that needed to
2 be done and I would write them down, and it would be
3 two to three pages of things I needed to do, you know,
4 that he felt needed to be done.

5 Q Did Paul ever come in your store and
6 actually work in the store?

7 A Never .

8 Q You never saw him do a planogram for you,
9 for example?

10 A Oh, no.

11 Q Or work along side your hourly employees?

12 A No.

13 Q Did you, as the store manager, create a
14 work list every morning?

15 A Yes.

16 Q Why did you do that?

17 A Because I was the one who read the E-Mails
18 that were sent out by corporate.

19 We could have as many as 30 E-Mails a day
20 telling us of things to do.

21 So I would compile all of those and that
22 would be our work list, along with the daily things we
23 needed to get done.

24 Q When you were store manager for Brooks or
25 Eckerd, at that same downtown store, did you create a

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 107

1 daily work list?

2 A Yes.

3 Q How was it different, at all, from the one
4 that you created for Rite Aid?

5 A You know, I found when we had Rite Aid that
6 the tasks that they wanted us to do on a daily basis,
7 or the SYSMs that we got and were generated were just
8 unbelievable.

9 You know, we want you to do this today.

10 Oh, we made a mistake. Oh, we need you to do it this
11 way.

12 You know, it was just constant changing
13 things that --

14 Q Did you get SYSMs about things that needed
15 to be done in your store, that had no application to
16 your store?

17 A Sometimes.

18 Q And those were ones that you could just
19 disregard?

20 A Right.

21 Q Did you have a liquor department in your
22 store?

23 A No. No.

24 Q Did you have a GNC?

25 A No.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 112

1 A Uh-huh.

2 Q -- you might get called to the front for a
3 zero sale or a void that you needed to approve?

4 A Yes, to do management work, yes.

5 Q And if you were standing at the front
6 running the register you might be also watching for
7 shoplifting or security issues in the store?

8 A As everybody was in the store, yes.

9 Q And even if you were standing in the front
10 of your store -- well, let me ask you this.

11 In this particular downtown store that you
12 managed as a store manager could you see the entire
13 store from the front?

14 A No.

15 Q What areas could you not see?

16 A I couldn't see a lot of areas because the
17 shelves were high.

18 Q Were the shelves higher than other Rite Aid
19 stores, to your knowledge?

20 A No.

21 Q No?

22 A No.

23 Q So when you were standing in the front
24 running a register, for example --

25 A Right.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 113

1 Q -- were you also supervising employees in
2 the store?

3 A No. I mean, no, there was a lot of times
4 that, that I couldn't supervise employees. I would be
5 out unloading a truck in the middle of the street
6 outside.

7 There wasn't a manager inside the store to
8 watch employees.

9 Q But they would call you if they needed you,
10 right?

11 A If they could find me, yes, absolutely.

12 Q Why do you say if they could find you?

13 A Well, a lot of times I would be unloading a
14 truck which was, you know, in a certain parking area
15 for a loading zone.

16 Q And it was required that you, as a manager,
17 be in the presence of the truck because of security
18 issues, correct?

19 A A lot of times the pharmacist would have to
20 jump in and do managerial things for me, because I was
21 just spread so thin that I was doing, unloading a truck
22 while they needed things from the front or approvals or
23 whatever.

24 Q Could you try answering the question I
25 asked?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 114

1 A Sure.

2 Q Would you read it back?

3 (The reporter read back as requested.)

4 Q When the back door is open a manager has to
5 be there, right --

6 A I went through the front door that was open
7 all the time.

8 Q -- unloading the truck?

9 A Uh-huh.

10 Q Yes?

11 A Yes.

12 Q I just need verbal responses.

13 A Yes.

14 Q I'm not questioning your answers. I just
15 need verbal responses.

16 A Okay.

17 Q But even if you came in the front door a
18 manager still had to be involved with merchandise
19 coming off the truck, correct?

20 A It didn't have to be a manager to unload a
21 truck.

22 Q In your opinion, it didn't have to be a
23 manager involved in the unloading of a truck?

24 A No, Not until it came to RX crates.

25 Q So at least a manager had to be there for

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 136

1 you would sometimes use a daily tour sheet and
2 sometimes just write on your own piece of paper?

3 A Sure because a lot of things didn't apply
4 to that store, and then there were other tasks that did
5 or didn't apply to other stores.

6 Q So the daily tour sheet was really not that
7 useful to you?

9 Q But didn't do it every day?

10 A Pretty much I had to, because it was a
11 requirement of my job to do it.

12 I mean even though it didn't -- I did a lot
13 of things in that store just to be compliant.

14 Q So you would fill out the daily tour sheet
15 but not use it?

16 A Uh-huh.

17 Q You would use your own work list that you
18 had created?

19 A Yes, and when things would come in like,
20 you know, A check list for things from corporate some
21 things didn't apply to me because I didn't have it.

22 Q And you would just check those things off?

23 A I would put NA on it, you know, to those
24 things that didn't apply to me, but I still had to do
25 them.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 137

1 Q But with respect to the daily tour sheet,
2 you're saying you actually filled it out and created
3 your own work list?

4 A Uh-huh.

5 Q Yes?

6 A Yes.

7 Q Were you the type of store manager that did
8 not only daily planning of work, but weekly and monthly
9 planning of work?

10 A Yes, sure.

11 Q What type of long-term planning did you do
12 as a store manager?

13 A Just like seasonal merchandise. I knew
14 that was coming up and I would have to plan accordingly
15 for that.

16 I would have to call stores and find out
17 what they had overstock of that I could come and get.
18 I mean all that took planning.

19 Q Did you make decisions about the way your
20 associates were paid while you were a store manager?

21 A No.

22 Q Did you ever recommend a pay increase for
23 an employee?

24 A Yes, but they didn't get it.

25 Q I assume that you you're saying you did not

Page 138

1 make pay decisions when you were a store manager at
2 Brooks, Eckerd or Rite Aid?

3 A It was a lot easier to get pay increases at
4 Eckerd.

5 Q At Eckerd?

6 A Uh-huh.

7 Q How did you get pay increases at Eckerd?

8 A I would ask my district manager for it and,
9 you know, it seemed like it was pretty much etched in
10 stone that everybody got twenty cents at Rite Aid.

11 Q So your associates at Rite Aid did get
12 increases --

13 A Yes.

14 Q -- but you felt like you had no input in
15 the increases?

16 A Absolutely none.

17 Q Could you have, for example, prevented them
18 from getting the standard annual increase?

19 MR. ELLWANGER: Objection to form.

20 THE WITNESS: No.

21 MR. ELLWANGER: You can answer.

22 THE WITNESS: No.

23 MS. BARBAREE: Did you ever try?

24 THE WITNESS: I didn't try because I didn't
25 have any employees that weren't deserving of it.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 139

1 Q Did you ever talk to Paul Johnson about
2 giving an employee an increase that you thought they
3 were deserving of?

4 A Sure.

5 Q How often did you talk to Paul about that?

6 A Once out of two employees.

7 Q Who was that?

8 A What?

9 Q Who was the employee?

10 A Aretha.

11 Q What was Mr. Johnson's response?

12 A She was maxed out. I mean the bottom line
13 is she wasn't going to get any more.

14 Q Did your employees at the downtown store
15 ever have conflicts?

16 A No. It was a very close knit --

17 Q Do you know whether the employees at the
18 downtown store ever complained about you?

19 A Not that I know of.

20 Q Do you recall ever being involved in an HR
21 investigation in your store?

22 A HR, no.

23 Q Do you recall being disciplined for
24 retaliating against an employee who had complained
25 about you?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 147

1 handle customer complaints.

2 Q What about the ones that you learned about
3 from a customer's contact with the corporate office?

4 A We had very few, but if I, if that was the
5 case -- I mean very few, maybe three or four in the
6 time that, you know, I was there.

7 Of course, I would handle those or my
8 assistant.

9 Q So you must have had very good CSI scores?

10 A Yes.

11 Q How was your shrink as a store manager at
12 that downtown store?

13 A Actually, on the CSI scores we really
14 didn't, because there were a lot of things that people
15 complained about that were not under my control.

16 Q What were those things?

17 A Store hours on the weekends, the mix of
18 merchandise. I had no control over that. That was
19 done during the remodel by Paul Johnson.

20 You know, things like that I had no control
21 over, so, yes, that brought it down. The wait times
22 for checking out.

23 MS. BARBAREE: I think it's a good time for
24 a short break.

25 (A short break was taken.)

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 148

1 Q Ms. Goodloe, you understand that you're
2 still under oath?

3 A Yes.

4 Q Did you talk about the deposition during
5 the break?

6 A No.

7 Q So I want to talk a little bit more about
8 the downtown store where you were a store manager and
9 make sure that I understand what you were actually
10 doing day to day in that store as the store manager.

11 If I understood you correctly, you said
12 that you unloaded the truck by yourself at that store?

13 A Most of the time, yes.

14 Q And when you say most of the time, how
15 often?

16 A Probably 90 percent of the time.

17 Q And the other 10 percent of the time what
18 happened?

19 A My assistant would help.

20 Q Your assistant, Don?

21 A Mostly Linda.

22 Q And who was Linda?

23 A She was the older lady that I had.

24 Q Okay. You've remembered her name now?

25 A Uh-huh, yes.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 149

1 Q Do you know what her title was, her job
2 title?

3 A I think she was a service assistant until
4 that, that job no longer, that title no longer existed.

5 Q And do you know whether she was an hourly
6 employee?

7 A Hourly.

8 Q Did Don help you unload the truck?

9 A A little bit.

10 Q What would be the occasions when Don would
11 be helping you unload the truck?

12 A Well, you know, he would try to. It was
13 difficult for him to.

14 He had some kind of medical problems that
15 he couldn't, you know, help efficiently.

16 Q Do you know what his medical problems were?

17 A They caused him to go to the bathroom a
18 lot. I don't know.

19 Q And when you say you unloaded the truck by
20 yourself, that means that you carried the totes in --

21 A Uh-huh.

22 Q -- and placed them in the aisles?

23 A Right.

24 Q You didn't have anywhere else to place the
25 totes?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 151

1 downtown store while you were store manager you ran the
2 register yourself?

3 A Yes, I did. I ran it one hour in the
4 morning before, from 8:00 to 9:00 every morning.

5 Q And then did you also run it at other parts
6 of the day?

7 A At the lunchtime hour, I would run it then,
8 and I would also go in the back and relieve the
9 pharmacy so they could go to lunch, which would be
10 another hour, because both of them had to go to lunch
11 and it was too busy at that time of day to, to just
12 leave one person back there.

13 Q When you say both, you mean the pharmacist
14 and the pharmacy tech?

15 A Tech, exactly.

16 Q And were there other times during the day
17 that you also ran registers?

18 A Yes. Whenever there was a backup, I would
19 go right onto the third register up front.

20 It was either my assistant or myself would,
21 would go up there and would run that.

22 Q Who kept the downtown store clean while you
23 were the store manager?

24 A I did because there was nobody else to do
25 it. You know, I could assign that to somebody, had I

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 152

1 had the opportunity, but I didn't.

2 Q So what type of cleaning did you do on a
3 daily basis in the downtown store?

4 A Floor cleaning on a daily basis. I would
5 front and face, if it wasn't done the night before, my
6 associates if they didn't have time to.

7 I would do all the planograms, the updates
8 on planograms. Basically I did all of that, which
9 could be done by an associate, had I had somebody to do
10 it.

11 Q Are you testifying that you did all of
12 planograms in the downtown store by yourself while you
13 were the store manager?

14 A 90 percent, yes.

15 Q And who did the other 10 percent?

16 A My assistant.

17 Q Were the hourly employees in that store not
18 trained on how to do planograms?

19 A Oh, they could do it if they had had time
20 to do it, certainly.

21 Q But they didn't?

22 A But they didn't have time to do it.

23 Q Would you say that at that downtown store
24 you had such experienced employees that you didn't
25 actually have to direct their work day to day?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 153

1 MR. ELLWANGER: Objection to form.

2 THE WITNESS: It was directed, but they
3 knew what to do.

4 MS. BARBAREE: So, how was it directed.

5 THE WITNESS: I would make a list, and they
6 certainly knew how to go after it and get it done, what
7 they could, you know, and they knew that, you know, if
8 they weren't busy with, with customers, that they would
9 jump right in on a tote and put it up or clean up their
10 areas, sweep, whatever needed to be done.

11 I mean they absolutely knew that, if they
12 weren't busy, that they would jump right on those tasks
13 and do them.

14 Q Based on your direction, or they just knew
15 without you telling them?

16 A They knew without telling. I mean they
17 were --

18 Q Because they were very experienced, right?

19 A Yes, exactly.

20 Q When you told me about walking the store in
21 the mornings and determining the work that needed to be
22 done, were you primarily making a list for yourself?

23 A Yes, basically.

24 Q So, the work that you needed to get
25 accomplished that day?

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 156

1 out at that store previously.

2 Q When you say the budget that was laid out,
3 what did he tell you about that?

4 A He gave me the hours for that store, you
5 know. He didn't change it.

6 Q So, he again told you a number of hours?

7 A Uh-huh.

8 Q Yes?

9 A Yes.

10 Q Rather than a dollar figure?

11 A Yes.

12 Q Did you discipline any employees at the
13 University store?

14 A No.

15 Q Did you hire anyone at the University
16 store?

17 A No.

18 Q Did you fire anyone at the University
19 store?

20 A No.

21 Q Did you also prepare the manager's schedule
22 at the University store?

23 A Yes.

24 Q Did you have a loss prevention agent at the
25 University store?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 157

1 A No. I mean there was one assigned, but I
2 didn't see them in those two weeks.

3 Q So there was a loss prevention manager
4 assigned?

5 A Yes.

6 Q But there wasn't a loss prevention agent
7 who worked in the store?

9 Q In the few weeks that you were assigned to
10 the University store as the store manager, would you
11 say that you were running that store?

12 MR. ELLWANGER: Objection to form.

13 THE WITNESS: No.

14 MS. BARBAREE: Would you say that you were
15 running the downtown store as the store manager?

16 MR. ELLWANGER: Objection to form.

17 THE WITNESS: No.

18 Q And why would you say you were not running
19 the downtown store while you were a store manager
20 there?

21 A Because I didn't have the leeway from
22 corporate to run that store.

²³ From corporate or from Paul Johnson?

24 A You know, I include him in the corporate
25 realm of things. You know, everything was just laid

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 158

1 out for me to do, and that's what I was supposed to do.

2 Q And Paul Johnson had you doing things that
3 didn't even apply to your store?

4 A Did not even apply to that store, yes.

5 Q Did you ever do any ordering at the
6 University store?

7 A No.

8 Q Do you know when the truck came at the
9 University store?

10 A No.

11 Q Do you know if the University store had a
12 back room?

13 A Yes.

14 Q Did you do any work on the back room --

15 A Yes.

16 Q -- at the University store?

17 A A little.

18 Q What did you do?

19 A I put out merchandise.

20 Q And you said earlier, I think, that the
21 University store was open on the weekends as well?

22 A Yes.

23 Q And then it was also open later at night on
24 the weekdays?

25 A Yes.

Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe

1:2008cv09361
July 22, 2011

Page 172

1 Q And now, if we go back to Exhibit 1, we
2 have your markings, and I want to go over those.

3 In the summary section, I take it you felt
4 you were not at all responsible for merchandising,
5 programming and budgeted financial targets as a store
6 manager?

7 A Correct.

8 Q And specifically as an exempt store
9 manager?

10 MR. ELLWANGER: Objection to form.

11 THE WITNESS: I don't know what the
12 question was.

13 Q While you were a salaried store manager at
14 Rite Aid, you felt that you were not responsible for
15 merchandising, programming?

16 A Not, not making up planograms, no, they
17 were all set by corporate.

18 Q And you felt that you were not responsible
19 for budgeted financial targets?

20 A Not really.

21 Q What does not really mean?

22 A No.

23 Q Okay. And then you also have marked,
24 frequent independent judgments are essential.

25 They were not essential to you as a

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 173

1 salaried store manager at Rite Aid?

2 A I didn't really, I wasn't able to really do
3 what I wanted to do.

4 Q You did not make frequent independent
5 judgments in that position?

6 A Yes, I guess I did, but it was according to
7 the guidelines of what Rite Aid set forth.

8 Q Well, you either did or you didn't, and I
9 can't tell from your answers which it is.

10 Are you saying that you did make frequent
11 independent judgments as a, as a salaried store
12 manager?

13 A No.

14 Q What were the things that you did make
15 independent judgments about as a salaried store manager
16 at Rite Aid?

17 A I mean, are you talking about should I,
18 should I stock the shelves or should I wait on
19 customers, are you talking about things like that?

20 Q Is that what you're talking about, you
21 could make judgments about what you personally were
22 going to do?

23 A No. I mean those were basically set forth
24 from corporate.

25 You know, I didn't have any say-so what

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 174

1 went on end caps or at the front register or how many
2 hours I used, anything like that.

3 I really didn't have the judgment, I didn't
4 have the power to make those decisions.

5 Q Can you think of anything that you could
6 make independent decisions about as a store manager at
7 Rite Aid?

8 A Not really.

9 Q And then, if we look down on Exhibit 1, you
10 have underlined number 2?

11 A Uh-huh.

12 Q Yes?

13 A Yes.

14 Q Are you saying that you were not
15 responsible for meeting store retail budgeted sales
16 margin, labor, expenses and overall P&L monthly
17 results?

18 A I felt like that was taken away from me.

19 Budgets were set by Paul Johnson.

20 If, if I had the budgets to make, I
21 wouldn't have taken 40 hours a week out of my payroll
22 for someone who didn't work in my store, and that was
23 out of my control.

24 Q And then the last one, number 9, you have
25 marked through, responsible for hiring and training?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 175

1 A Absolutely not. I was not responsible for
2 hiring people. All the assistants that I had came from
3 being appointed to my store.

4 If I had somebody come in that I felt
5 really good about hiring and they didn't pass say the
6 personality test, that wasn't my judgment to make
7 whether they worked for the company or not. That was
8 my DM's decision.

9 As far as training, all training of
10 management came from video sources from corporate.

11 We had so many training videos monthly for
12 safety. For anything that came new to the store, you
13 would always have a training video that you would sit
14 them down at.

15 I even had, at one time, we had to Velcro
16 the scanning gun here (indicating), and it could not be
17 touched. Everything you did had to come through the
18 scanning gun with it Velcro-ed to the cabinet.

19 Now, I know myself, I'm left-handed, so it
20 was kind of a hard thing for me to do, being
21 left-handed and it being structurally settled on the,
22 on the Velcro.

23 The only time that you could take it off of
24 the Velcro was to do like a big thing of water or
25 something like that.

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 176

1 You had to only touch merchandise with one
2 hand, and there again being left-handed and for all
3 associates that are left-handed, that necessarily
4 didn't, didn't fit my way of doing things.

5 You know, I felt, I felt powerless when
6 that, when that lock came into effect. I felt like you
7 were restricting me as, you know, it was a disability
8 for many employees, and I really resented that.

9 And they sent around an associate or a
10 manager that he had deemed to make sure that this was
11 in place, and I truly resented that, because it was a
12 disability to me, being a left-handed person, to have
13 to do it right-handed.

14 Q Was that after you became an hourly store
15 manager?

16 A Yes, it was, I believe. I mean, this is,
17 the time frame is really hard for me without actual
18 dates.

19 Q Do you know if that was one of the workload
20 efficiency changes that came into play?

21 A I think it was, yes.

22 O And you mentioned the personality test.

23 Are you saying now that you did speak with candidates
24 for employment, but you were unable to hire them
25 because they failed a test?

**Yatram Indergit, et al. v. Rite Aid Corporation, et al.
Kay Goodloe**

1:2008cv09361
July 22, 2011

Page 194

1

CERTIFICATE OF DEPONENT

2

3 I hereby certify that I have read and
4 examined the foregoing transcript, and the same is a
5 true and accurate record of the testimony given by me.

6

7 Any additions or corrections that I feel
8 are necessary, I will attach on a separate sheet of
9 paper to the original transcript.

10

11

12

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KAY GOODLOE

Exhibit GG

YATRAM INDERGIT, ET AL. v. RITE AID CORPORATION, ET AL. July 7, 2012

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YATRAM INDERGIT, on behalf of)
himself and others similarly)
situated,)
Plaintiff,)
vs.) CIVIL ACTION FILE NO.:
RITE AID CORPORATION, RITE AID OF)
NEW YORK, INC., and FRANCIS OFFOR,)
as Aider & Abettor,)
Defendants.)
- - -

DEPOSITION OF
JARED NATHAN HANDSHOE
JULY 7, 2012
9:00 A.M.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
191 PEACHTREE STREET, N.E.
SUITE 4800
ATLANTA, GEORGIA

REPORTED BY:

STEVEN S. HUSEBY, RPR
CCR-B-1372

Page 26

1 estimate four years.

2 Q. How long did you work with Kenneth
3 Daniels?

4 A. Until November of 2011. I would say two
5 years.

6 Q. And then who was the third? Who's the
7 new one?

8 A. Thomas Ferneaux, and that was from
9 December to present.

10 Q. How is Mr. Ferneaux as a district
11 manager?

12 A. He's -- he came from another company.
13 He came from -- I want to say it was Walgreens,
14 it could have been CVS, as a district manager.
15 We don't see eye to eye on some things.

16 Q. What does that mean?

17 A. He -- we have very different management
18 styles.

19 Q. What do you mean by management style?

20 A. As far as whenever he came into the
21 district, the previous district manager, Ken
22 Daniels was let go, and Tom was the one that was
23 coming in to repair the broken district. And in
24 his process, he stepped on a lot of toes.

25 Q. But what do you mean by management

Page 27

1 style? Not just as it relates to him. You said
2 you have different management styles. What do
3 you mean by that term?

4 A. He's very much a micro manager, and
5 he -- like he takes -- like he does the majority
6 of like everything, just -- it's just one of the
7 people that you just don't mesh with. I don't
8 really know how to explain myself.

9 Like he's taken everything that I do and
10 tried to change it and tried to make it -- he is
11 like, we're going to make it better. We're going
12 to make you successful. You're going to succeed.
13 You're going to do this and that.

14 I mean, he's to the point -- like he makes us
15 turn in our own schedules, like we don't get to
16 write our own schedules anymore. Like he is very
17 much a micro manager.

18 Q. What do you mean, your own schedule?

19 A. I think like the schedule for the store.

20 Q. There was a period of time where you had
21 complete control over drafting the store's
22 schedule?.

23 A. No, no. I mean, within -- I mean, the
24 company expectation, I mean, you have -- I mean,
25 obviously you have to make a schedule to meet the

Page 28

1 needs of the business. The schedule -- I mean,
2 the manager is expected to close two nights a
3 week, rotating with the assistant manager, and
4 you obviously rotate weekend, and outside of that
5 boundary, I mean, you can generally make a
6 schedule the way you want to.

7 Q. Other than making sure that there are --
8 there are some rules in place as to specific
9 times that you need to have an assistant manager
10 or a store manager present in the store, correct?

11 A. Right.

12 Q. Other than that, up until this new
13 Mr. Ferneaux, you've had the ability to make your
14 own schedule, correct?

15 A. Yes.

16 Q. And that has always been true up until
17 the time Mr. Ferneaux came, correct?

18 A. There's been several -- I mean, if you
19 don't -- they will get on it hot and heavy for
20 awhile and then it will be, you know, you're not
21 doing every other weekend or you're not closing
22 two nights a week and it will -- I mean, you'll
23 get an e-mail out, the DM will come in, you know
24 you need to fix this, we need to change the
25 schedule, or you've got something going on this

Page 313

1 from this mathematical analysis you just did?

2 MR. TURNER: Let me object. You're
3 asking him to provide expert testimony,
4 hypotheticals, and I'll object to the form as
5 well.

6 BY MR. PRICE:

7 Q. Go ahead.

8 MR. TURNER: Go ahead and answer it,
9 if you know.

10 THE WITNESS: Well, I mean, it was
11 just the amount of people in the store at any
12 given time.

13 BY MR. PRICE:

14 Q. No, my question is not that. My
15 question is, what can we learn from the analysis
16 you just did?

17 MR. TURNER: Same objections.

18 BY MR. PRICE:

19 Q. What have you concluded from the
20 analysis you just did?

21 MR. TURNER: Same objections.

22 THE WITNESS: There's not enough
23 payroll to effectively do the work without you
24 doing it yourself.

25 BY MR. PRICE:

Page 314

1 Q. So to effectively do the work, who does
2 the work?

3 A. I mean, I do a large portion of the
4 physical work in the store.

5 Q. When you say a large portion of the
6 physical work in the store, what percentage of
7 the work in the store that is physical do you
8 think you do?

9 MR. TURNER: Object to the form.

10 THE WITNESS: I would say 70 percent
11 is a safe number.

12 BY MR. PRICE:

13 Q. And we've heard some testimony about
14 cleaning and -- well, let me back up.

15 You do cleaning in the store; is that
16 correct?

17 A. Yes.

18 Q. Stocking shelves?

19 A. Yes.

20 Q. You handle truck day?

21 A. Yes.

22 Q. Is there any -- do you consider those to
23 be all nonmanagerial tasks?

24 MR. TURNER: Object to the form.

25 THE WITNESS: Yes.

1 BY MR. PRICE:

2 Q. What other nonmanagerial tasks can you
3 provide me with that you do?

4 MR. TURNER: Object to form.

5 THE WITNESS: Well, the first thing
6 in the morning, the expectation for all stores is
7 you do your core report and your zero counts and
8 your freshness. That's all nonmanagerial floor
9 tasks and, I mean, that's expected with every
10 store to be done first thing in the morning.

11 I mean, with every store first thing in the
12 morning there's only a cashier and manager, so
13 the manager is -- or the cashier, while the
14 manager -- or the cashier is doing that work.

15 BY MR. PRICE:

16 Q. Okay. And then after that? Let's walk
17 through the day. I think that's a good way to do
18 it.

19 A. Well, I mean, you've got -- two days a
20 week you've got liquor deliveries, and you have
21 to receive the liquor. I mean, I wouldn't
22 consider receiving the liquor too much of a
23 managerial task. I mean, typically you're
24 hauling liquor around.

25 Q. Okay. So hauling liquor is one.

1 product out.

2 Q. So it's akin to stocking --

3 MR. TURNER: Object to the form.

4 THE WITNESS: It's -- yeah, yeah.

5 BY MR. PRICE:

6 Q. Any other tasks that you consider to be
7 nonmanagerial?

8 A. Well, your first three in the morning;
9 your zero counts, your scan. You're physically,
10 you know, working on the floor. Your freshness
11 reports, you're pulling outdates.

12 MR. TURNER: Hang on. Object to the
13 last question. I didn't want to interrupt him.

14 BY MR. PRICE:

15 Q. Okay. Are there any other nonmanagerial
16 tasks that you and I haven't covered?

17 MR. TURNER: Objection.

18 THE WITNESS: Well, I mean,
19 obviously, you take out your trash every day.
20 That's a nonmanagerial task.

21 BY MR. PRICE:

22 Q. Do you do that?

23 A. I mean, if you're closing. If I'm
24 closing I would, you know, take out the trash.
25 This is part of the closing duties.

Page 322

1 You set your monthly profit planner. It's
2 seasonal and always moving around constantly.
3 That's always generally -- that's a big thing
4 that's done once a week.

5 Q. Okay.

6 A. Yeah, I play a large part in that, do a
7 lot of that.

8 Q. So of all the work you do at Rite Aid,
9 let's take 55 hours, okay, what percentage of
10 that 55 hours per week would you say falls into
11 one of those categories of nonmanagerial tasks
12 that you do?

13 MR. TURNER: Objection.

14 THE WITNESS: Easily 70 percent. I
15 mean, sure, I'm the manager and I do the
16 management stuff but, I mean, like I said
17 earlier, I'm multitasking. I'm managing it and,
18 you know, I could be sweeping the floor and
19 manage it at the same time but yet I'm still
20 sweeping the floor.

21 BY MR. PRICE:

22 Q. Yes, I want to talk about that. So you
23 made a statement that it's taking 10 seconds out
24 of your time to manage. Do you recall making a
25 comment like that?

Page 323

1 A. For which? For a certain task, yeah,
2 for certain tasks.

3 I mean, as far as managing goes, I mean, like
4 if you're managing your secretary, I mean, you're
5 not going to be managing her all day long. It's
6 not going to be a ten-hour shift or whatever. I
7 mean, it's just -- there's not a -- you can't
8 really attach a time to management.

9 Q. Well, I want to break down something.
10 Let's isolate something. How about truck day,
11 okay. How much active management are you doing
12 on a typical truck day, soup to nuts?

13 MR. TURNER: Object to form.

14 THE WITNESS: I mean, I'm physically
15 doing -- I mean, on truck day it's a physical day
16 all day long. I mean, sure, I'm managing other
17 people, but it's a physical, like I'm out there
18 unloading. I'm unloading the truck. I'm staging
19 the truck. You know, I'm stocking the shelves.
20 You know, I'm moving the totes to the back of the
21 room. I mean, sure, I'm managing while I'm doing
22 that, but I'm -- you know, I'm doing all the
23 work, too.

24 BY MR. PRICE:

25 Q. Okay. Well, how about minutes or

YATRAM INDERGIT, ET AL. v. RITE AID CORPORATION, ET AL. July 7, 2012

Page 355

1 Page _____ Line _____ should read: _____

2 Reason for change: _____

3

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10 Page _____ Line _____ should read: _____

11 Reason for change: _____

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13 Page _____ Line _____ should read: _____

14 Reason for change: _____

15

16 Page _____ Line _____ should read: _____

17 Reason for change: _____

18 _____

19 Signature

20 Sworn to and Subscribed before me

21 _____, Notary Public.

22 This _____ day of _____, 2012.

23 My Commission Expires:

STV

24

25